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**REQUEST FORM FOR  
APPLICATION UNDER 37 CFR 1.53(b)**

DOCKET NUMBER: 50179-101

Prior Application:

Art Unit: 1614  
Examiner: K. Weddington



Commissioner for Patents  
Washington, DC 20231

Sir:

This is a Request for filing a Divisional application under 37 CFR 1.53(b) of pending prior application

Serial No. 09/155,116, filed on January 29, 1999, entitled ALTERATION OF MICROBIAL POPULATIONS IN

THE GASTROINTESTINAL TRACT, by the following named inventors: Ian L. BROWN, Patricia Lynne

CONWAY, Anthony John EVANS, Karl Anders Olaf HENRIKSSON, Kenneth J. MCNAUGHT and Xin WANG.

1. ☒ I hereby state that the enclosed application contains no new matter.
2. Oath or Declaration
  - a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from a prior application (37 CFR 1.63(d))
    - i. ☐ Deletion of inventor(s)  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
3. ☒ Incorporation By Reference (useable if Box 2b is checked)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 2b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
4. ☒ Preliminary Amendment is enclosed.
5. ☒ An Information Disclosure Statement, PTO1449 Form and a copy of the International Search Report are submitted herewith.
6. ☒ Cancel claims 1 and 6 - 19.



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PATENT TRADEMARK OFFICE

7. The filing fee is calculated on the basis of the claims existing in the prior application as amended at 4 and 6 above:

	NO. OF CLAIMS		EXTRA CLAIMS	RATE	AMOUNT
Total Claims	16	-20	0	\$18.00 =	\$0.00
Independent Claims	3	-3	0	\$84.00 =	\$0.00
Basic Application Fee					\$740.00
If multiple dependent claims are presented, add \$0.00					\$0.00
Total Application Fee					\$740.00
Subtract ½ if small entity					\$0.00
<b>TOTAL APPLICATION FEE DUE</b>					<b>\$740.00</b>
<b>AMOUNT TO BE CHARGED TO DEPOSIT ACCOUNT NO. 500417</b>					<b>\$740.00</b>

- 7a. ☐ Enclosed is a Verified Statement to establish small entity status under 37 CFR 1.9 and 37 CFR 1.27.
- 7b. ☐ A verified Statement to establish small entity status under 37 CFR 1.9 and 37 CFR 1.27 was filed in prior application and such status is still proper and desired.
- 8a. ☒ **PLEASE CHARGE DEPOSIT ACCOUNT 500417 in the amount of \$740.00**
- 8b. ☒ The Commissioner is hereby authorized to charge fees under 37 CFR 1.16 and 1.17 which may be required, including any extension of time fees to maintain the pendency of the parent application Serial No. 09/155,116 or credit any overpayment to Deposit Account No. 500417.
9. ☒ Amend the specification by inserting before the first line the sentence:  
  
--This application is a divisional of Application Serial No. 09/155,116 , filed on January 29, 1999, which is a 371 of PCT/AU97/00174, filed March 20, 1997---
10. ☒ Priority of Application Serial Nos. PN8810, PN8811, PN8812 and PN8814, all filed on March 20, 1996, in Australia is claimed under 35 USC 119.
11. ☒ The prior application is assigned of record to

**The University of New South Wales**  
Kensington, New South Wales, Australia

**Burns Philp & Company**  
Sydney, New South Wales, Australia

**Burns Philp Research & Development PTY LTD**  
Sydney, New South Wales, Australia

**Commonwealth Scientific and Industrial Research Organisation**  
Campbell, Australian Capital Territory, Australia

**Arnott's Biscuits Limited**  
Homebush, New South Wales, Australia

**Gist-Brocades Australia PTY Limited**  
Moorebank, New South Wales, Australia

**Goodman Fielder Ingredients Limited**  
Gladesville, New South Wales, Australia

12. ☒ The power of attorney in the prior application is to:

McDermott, Will & Emery

13. ☒ Also enclosed:
- Correspondence Address Change
  - Submission of 15 Pages of Formal Drawings
  - Amended pages of Claims (Claims 1 - 31)

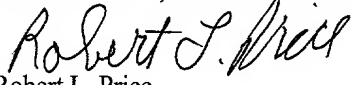
14. ☐ A petition, fee and response has been filed to extend the term in the pending prior application until .

Address all future communications to: (May only be completed by applicant, or attorney or agent of record)

McDermott, Will & Emery  
600 13th Street, N.W.  
Washington, DC 20005-3096

Respectfully submitted,

MCDERMOTT, WILL & EMERY

  
Robert L. Price  
Registration No. 22,685

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
(202) 756-8000 RLP:BD  
**Date: February 12, 2002**  
Facsimile: (202) 756-8087

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Ian L. BROWN, et al.

Serial No.: Divisional of  
Appln. Serial No. 09/155,116

Filed: February 12, 2002

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: Group Art Unit: To be assigned

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: Examiner: To be assigned  
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For: ALTERATION OF MICROBIAL POPULATIONS IN THE GASTROINTESTINAL  
TRACT

TRANSMITTAL OF FORMAL DRAWINGS

Commissioner for Patents  
Washington, DC 20231

Sir:

Fifteen (15) sheets of formal drawings are submitted herewith as filed in parent application Serial No. 09/155,116. These formal drawings were filed in response to the Notice of Allowability dated September 20, 2001 in the parent application. It is believed that the requirements for 37 CFR 1.84 for this application have been satisfied.

Respectfully submitted,

MCDERMOTT, WILL & EMERY



Robert L. Price

Registration No. 22,685

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
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